In the High Court of Judicature at Madras

Dated: 29.11.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.6063 of 2004

1. R.Nadaraajah
2. R.N.Ramasamy
3. N.Umeswary
All are represented by their
Registered Power Agent
A.Nirmal Gadhiya
Director of M/s.Deccan Estates &
Constructions Limited,
24, Dr.B.N.Road,
T.Nagar, Chennai-17. ..Petitioners

..vs..

1. State of Tamil Nadu,
   rep.by Secretary to Government
   Housing & Urban Development Department,
   Fort St.George,
   Chennai-600 009.

2. The Member Secretary,
   Chennai Metropolitan
   Development Authority,
   No.1, Gandhi Irwin Road,
   Egmore, Chennai-600 008. ..Respondents

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Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of declaration, to declare that the provisions of Rule 19(b)(III)-(B) of Development Control Rules as ultra vires, illegal, unconstitutional and unenforceable in so far as it relates to levy and collection of security deposit for the proposed development and consequently direct the respondents to issue planning permission for the residential flats at Plot No.5/360, Old Mahabalipuram Road, Thuraipakkam, without insisting

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on security deposit as contained in Lr.No.B1/19791/2003 dated 25.02.2004 of the 2nd respondent.

For Petitioners : Mr.K.Venkatasubramanian

For Respondents : Mr.A.Edwin Prabhakar,
Govt.Advocate for R1

Mr.J.Ravindran for R2

ORDER

(Order of the Court was made by P.SATHASIVAM,J.,)

Learned counsel for the petitioners seeks permission to withdraw the above writ petition. He also made an endorsement to that effect in the writ petition. Accordingly, permission is granted and the writ petition is dismissed as withdrawn. However, it is made clear that the petitioners are free to challenge the provisions contained in Rule 19(b)(III)-(B) of the Development Control Rules, if need arises, at the appropriate time. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Secretary to Government of Tamilnadu,
Housing & Urban Development Department,
Chennai-600 009.

2. The Member Secretary,
Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Chennai-600 008.

1 cc to Mr.J.Ravindran, Advocate, sr. 58480

Writ Petition No.6063 of 2004

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